

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BAYERN-INVEST  
KAPITALANLAGEGESELLSCHAFT mbH,  
Plaintiff(s),

CASE NO. 07 CIV 7775

-against-

AFFIDAVIT OF SERVICE

VIVENDI, S.A., ET AL.,  
Defendant(s).  
-----X

STATE OF NEW YORK     )  
                                  s.s.:  
COUNTY OF NEW YORK    )


MARGARET WALKER, being duly sworn, deposes and says that she is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 2nd day of October, 2007, at approximately 11:05 a.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION and COMPLAINT** upon Jean-Marie Messier c/o Messier Partners, LLC at One Rockefeller Plaza, Suite 1502, New York, New York by personally delivering and leaving the same with Franca Efangon, who is a person of suitable age and discretion, at that address, the actual place of business of the defendant.

Franca Efangon is a black female, approximately 25 years of age, is approximately 5 feet and 7 inches tall, weighs approximately 140 pounds, with long black hair and dark eyes.

Sworn to before me this  
2nd day of October, 2007

  
MARGARET WALKER #871624

  
JOHN S. WALKER  
NOTARY PUBLIC, STATE OF NEW YORK  
Reg. No. 01-WA-4851557  
Qualified in Queens County  
Certificate Filed in New York County  
Commission expires February 17, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BAYERN-INVEST  
KAPITALANLAGEGESELLSCHAFT mbH,,  
Plaintiff,  
-against-

Case No. 07 CIV 7775  
AFFIDAVIT OF SERVICE

VIVENDI, S.A., et al.,  
Defendants.

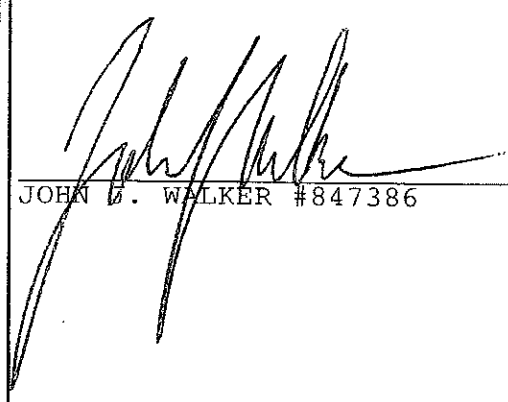
-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK )


JOHN J. WALKER, being duly sworn deposes and says that he is over the age of eighteen, is an employee of KEATING & WALKER ATTORNEY SERVICE, and is not a party to this action.

That on the 13th day of October, 2007, in order to complete the service initiated on 2nd day of October, 2007 by Margaret Walker upon the Defendant, Jean-Marie Messier, deponent served a true copy of the Summons in a Civil and Complaint by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney, and depositing the same into an official depository maintained by the Government of the United States, County of New York and State of New York, addressed as follows:

Jean-Marie Messier  
c/o Messier Partners, LLC  
One Rockefeller Plaza  
Suite 1502  
New York, New York 10020

Sworn to before me this  
13th day of October, 2007.

  
JOHN J. WALKER #847386

  
MICHAEL KEATING  
Notary Public, State of New York  
Reg. No. 01-KE-4851559  
Qualified in New York County  
Commission expires February 3, 2010

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

BAYERN-INVEST  
KAPITALANLAGEGESELLSCHAFT mbH,

SUMMONS IN A CIVIL ACTION

V.

VIVENDI, S.A., JEAN-MARIE MESSIER  
and GUILLAUME HANNEZO

CASE NUMBER 07 CIV 7775

TO: (Name and address of Defendant)

JEAN-MARIE MESSIER

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Stuart M. Grant  
James J. Sabella  
GRANT & EISENHOFER P.A.  
485 Lexington Avenue  
29th Floor  
New York, NY 10017

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

AUG 31 2007

DATE